



Docket No.: 31894-199297  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Michael B. Zemel et al.

Art Unit: 1616

Application No: 10/827,353

Examiner: E. J. Webman

Confirmation No: 2617

Filed: April 20, 2004

Atty. Docket No: 31894-199297

For: HIGH CALCIUM FOODSTUFFS FOR  
WEIGHT LOSS

Customer No:

**26694**

PATENT TRADEMARK OFFICE

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement, pursuant to 37 CFR 1.114(c), accompanies the Request for Continued Examination (37 CFR 1.114) submitted herewith.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 31894-199297. A fee transmittal is enclosed.

Dated: November 21, 2006

Respectfully submitted,

By 

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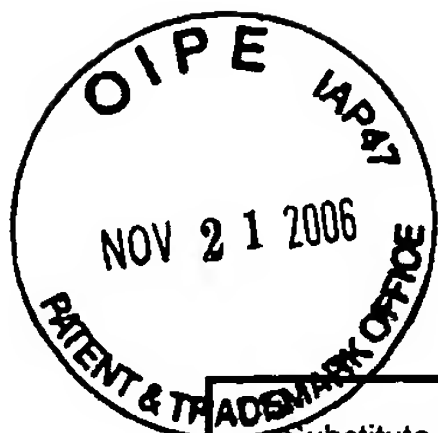
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PTO/SB/08A/B (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
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<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/827,353-Conf. #2617
				Filing Date	April 20, 2004
				First Named Inventor	Michael B. Zemel
				Art Unit	1616
				Examiner Name	E. J. Webman
Sheet	1	of	1	Attorney Docket Number	31894-199297

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	6,716,810	04/2004	Brennan et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	Laine Tabbita, "The Milk Mustache Campaign ( <a href="http://agcommcase.ifas.ufl.edu/mustache.html">agcommcase.ifas.ufl.edu/mustache.html</a> ) Report to Congress on the National Dairy Promotion and Research Program and the National Fluid Milk Processor Promotion Program," July 1, 1998	
	CB	Jones Sports Mustache for Milk, Las Vegas Review Journal 1999 (Dialog: File 397:00150522)	
	CC	U.S. Government questions effectiveness of Milk advertising, Dairy Farmer, 1999 (Dialog file 112:01171968)	
	CD	Jenny Hope, Crash Diets do work single food regimes knock off the pounds faster than conventional calorie cutting, Daily Mail, 1998 Dialog file 781:04337869	
	CE	<a href="http://dietary-supplements.info.nih.gov/factsheets/calcium.asp">http://dietary-supplements.info.nih.gov/factsheets/calcium.asp</a> , posted 7/12/04, updated 9/23/05, table 2	
	CF	Eisenstein et al, Obesity and Long-Term Clinical and Economic Outcomes in Coronary Artery Disease Patients, Obesity Research 10:82-91 (2002), from <a href="http://www.obesityresearch.org/cgi/content/abstract/10/2/82">http://www.obesityresearch.org/cgi/content/abstract/10/2/82</a>	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.  
#804361

Examiner Signature		Date Considered	
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